

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
DEPT. OF COMMERCE

In the Matter of)

Amendment of Section 73.606(b))

Table of Allotments,)

TV Broadcast Stations)

(Sioux Falls, South Dakota))

MM Docket No. 95-136

RM-8682

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To: Chief, Mass Media Bureau

REPLY COMMENTS OF RED RIVER BROADCAST CORP.

Red River Broadcast Corp. (Red River), by its attorneys, hereby submits its "Reply Comments" in support of the Notice of Proposed Rulemaking in this proceeding (DA 95-1837, released August 28, 1995).

The Notice was issued in response to Red River's Petition for Rulemaking, which proposed the allotment of Channel 46 to Sioux Falls, South Dakota. Red River demonstrated that the allotment was in the public interest because (1) it would provide Sioux Falls with additional local television broadcast service, (2) it would conserve the resources of the Commission by eliminating the need for the pending comparative proceeding involving Channel 36 in Sioux Falls, and (3) the allotment of Channel 46 was consistent with the Commission's mileage separation requirements. Red River has filed comments reaffirming its continuing interest in Channel 46.

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Only one other party filed comments. Midcontinent Television of South Dakota, Inc. ("Midcontinent") does not oppose the allotment. Its Comments were filed only "for the purpose of clarifying" that the reference site for Channel 46 specified in the Engineering Statement supporting Red River's Petition is not the actual proposed site for the new station. Comments at 1. That reference site is the location of a tower owned by Midcontinent, and Midcontinent states that it has not offered Red River access to this tower.

As Midcontinent notes, however, "a petitioner for a new allotment need only show that a 'theoretical site' exists that complies with the FCC's technical requirements." *Id.* at 4 n. 4. It is common engineering practice to use, in support of a petition for rulemaking, the coordinates of an existing tower for the "reference coordinates." Consistent with engineering practice, the coordinates used in Red River's Engineering Statement were chosen simply to demonstrate that Channel 46 could be allotted to Sioux Falls consistent with the Commission's separation rules, not to indicate that Red River intended to use Midcontinent's tower. Red River thus can confirm, as Midcontinent requests, that it is not relying on Midcontinent's site as the actual site for the new facility.

Given that there were no objections to the proposed allotment, and that Red River has demonstrated that the allotment is clearly in the public interest, Red

River respectfully requests that this proceeding be concluded and Channel 46 be allocated to Sioux Falls as promptly as possible.

Respectfully submitted,

RED RIVER BROADCAST CORP.

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Dated: November 2, 1995

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Reply Comments" was sent by first-class mail, postage prepaid, or by hand-delivery, this 2nd day of November, 1995, to the following:

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